

MINNESOTA STATUTES

1949

PART I

PUBLIC RIGHTS

Sovereignty, Jurisdiction, and Civil Divisions

CHAPTER 1

SOVEREIGNTY AND JURISDICTION

Sec.		Sec.	
1.01	Extent	1.047	Condemnation proceedings may be brought in state courts by United States
1.02	Jurisdiction over waters	1.048	Effect of repeal of certain laws
1.03	Waters included	1.12	Federal flowage easements over highways
1.041	Concurrent jurisdiction of state and United States	1.13	Moneys received credited to highway fund
1.042	Consent of state	1.14	State flag; photograph and description of design
1.043	When jurisdiction vests	1.15	Boundary compact between Michigan, Wisconsin, and Minnesota
1.044	Upper Mississippi River wild life and fish refuge	1.16	Maps on file
1.045	State consents to acquisition of certain lands	1.17	Ratification by governor
1.046	Evidence of consent		

1.01 EXTENT. The sovereignty and jurisdiction of this state shall extend to all places within the boundaries thereof as defined in the constitution and, concurrently, to the waters forming a common boundary between this and adjoining states, subject only to such rights of jurisdiction as have been or shall be acquired by the United States over places therein.

[*R. L. s. 1*] (1)

1.02 JURISDICTION OVER WATERS. All courts and officers now or hereafter having and exercising jurisdiction in any county which is now or may hereafter be formed in any part of this state bordering upon Big Stone Lake, Lake Traverse, Bois de Sioux River, or the Red River of the North, shall have and exercise jurisdiction in all civil and criminal cases upon such waters concurrently with the courts and officers of other states bordering on such waters, so far and to such extent as any of these bodies of water form a common boundary between this state and any other state.

[1905 c. 242 s. 1; 1943 c. 349 s. 1] (2)

1.03 WATERS INCLUDED. The concurrent jurisdiction of any county now or hereafter formed and of all courts and officers exercising jurisdiction throughout the county shall extend over such water area as would be included if the boundary lines of the county were produced in the direction of their approach and extended across these waters to the opposite shore.

[1905 c. 242 s. 2; 1943 c. 349 s. 2] (3)

1.04 to 1.11 [Repealed, 1943 c. 343 s. 8]

1.041 CONCURRENT JURISDICTION OF STATE AND UNITED STATES.

Subdivision 1. Rights of State. Except as otherwise expressly provided, the jurisdiction of the United States over any land or other property within this state now owned or hereafter acquired for national purposes is concurrent with and subject to the jurisdiction and right of the state to cause its civil and criminal process to be executed therein, to punish offenses against its laws committed therein, and to protect, regulate, control, and dispose of any property of the state therein.

Subd. 2. Land exchange commission may concur. In any case not otherwise provided for, the consent of the State of Minnesota to the acquisition by the United States of any land or right or interest therein, in this state desired for any authorized national purpose, with concurrent jurisdiction as defined in subdivision 1, may be given by concurrence of a majority of the members of the Land Exchange Commission created by the Constitution of the State of Minnesota, Article 8, Section 8, upon finding that such acquisition and the methods thereof and the exercise of such jurisdiction are consistent with the best interests of the state, provided application for such consent is made by an authorized officer of the United States, setting forth a description of the property, with a map when necessary for proper identification thereof, and the authority for, purpose of, and method used or to be used in acquiring the same. The commission may prescribe the use of any specified method of acquisition as a condition of such consent.

In case of acquisition by purchase or gift, such consent shall be obtained prior to the execution of any instrument conveying the lands involved or any interest therein to the United States. In case of condemnation, such consent shall be obtained prior to the commencement of any proceeding therefor.

[1943 c. 343 s. 1]

1.042 CONSENT OF STATE. Subdivision 1. Given for Certain Purposes.

The consent of the State of Minnesota is hereby given in accordance with the Constitution of the United States, Article I, Section 8, Clause 17, to the acquisition by the United States in any manner of any land or right or interest therein in this state required for sites for customs houses, courthouses, hospitals, sanatoriums, post-offices, prisons, reformatories, jails, forestry depots, supply houses, or offices, aviation fields or stations, radio stations, military or naval camps, bases, stations, arsenals, depots, terminals, cantonments, storage places, target ranges, or any other military or naval purpose of the United States.

Subd. 2. Jurisdiction ceded to United States. So far as exclusive jurisdiction in or over any place in this state now owned or hereafter acquired by the United States for any purpose specified in subdivision 1 is required by or under the constitution or laws of the United States, such jurisdiction is hereby ceded to the United States, subject to the right of the state to cause its civil and criminal process to be executed on the premises, which right is hereby reserved to the state. When the premises abut upon the navigable waters of this state, such jurisdiction shall extend to and include the under-water lands adjacent thereto lying between the line of low-water mark and the bulkhead or pier-head line as now or hereafter established.

[1943 c. 343 s. 2]

1.043 WHEN JURISDICTION VESTS. The jurisdiction granted or ceded to the United States over any place in the state under section 1.041 or section 1.042 shall not vest until the United States has acquired the title to or right of possession of the premises affected, and shall continue only while the United States owns or occupies the same for the purpose or purposes to which such jurisdiction appertains as specified in those sections.

[1943 c. 343 s. 3]

1.044 UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE. Consent of the State of Minnesota is given to the acquisition by the United States by purchase, gift, or lease of such areas of land or water, or both, in this state as the United States may deem necessary for the establishment of the Upper Mississippi River Wild Life and Fish Refuge in accordance with and for the purposes of the act of congress approved June 7, 1924, entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge," reserving to the state full and complete jurisdiction and authority over all such areas not incompatible with the maintenance and control thereof by the United States for the purposes and under the terms of that act of congress.

[1943 c. 343 s. 4]

1.045 STATE CONSENTS TO ACQUISITION OF CERTAIN LANDS. Consent of the State of Minnesota is given to the acquisition by the United States in any manner authorized by act of congress of lands lying within the original boundaries of the Chippewa National Forest and the Superior National Forest for any purpose incident to the development or maintenance of those forests, subject to concurrent jurisdiction of the state and the United States as defined in section 1.041.

[1943 c. 343 s. 5]

1.046 EVIDENCE OF CONSENT. The consent of the state given by or pursuant to the provisions of sections 1.041 to 1.048 to the acquisition by the United States of any land or right or interest therein in this state or to the exercise of jurisdiction over any place in this state shall be evidenced by the certificate of the governor, which shall be issued in duplicate, under the great seal of the state, upon application by an authorized officer of the United States and upon proof that title to the property has vested in the United States. The certificate shall set forth a description of the property, the authority for, purpose of, and method used in acquiring the same, and the conditions of the jurisdiction of the state and the United States in and over the same, and shall declare the consent of the state thereto in accordance with the provisions of sections 1.041 to 1.048, as the case may require. When necessary for proper identification of the property a map may be attached to the certificate, and the applicant may be required to furnish the same. One duplicate of the certificate shall be filed with the secretary of state. The other shall be delivered to the applicant, who shall cause the same to be recorded in the office of the register of deeds of each county in which the land or any part thereof is situated.

[1943 c. 343 s. 6]

1.047 CONDEMNATION PROCEEDINGS MAY BE BROUGHT IN STATE COURTS BY UNITED STATES. In any case where consent to the acquisition by the United States of any land or any right or interest therein by condemnation is given by or under the provisions of sections 1.041 to 1.048, the United States may effect such condemnation in the courts of this state in accordance with the laws of this state relating to eminent domain, or may effect such condemnation in the courts of the United States, as may be authorized by act of congress. In any case where consent by the Land Exchange Commission is required under section 1.041 the commission may specify which method of condemnation shall be used as a condition of such consent.

[1943 c. 343 s. 7]

1.048 EFFECT OF REPEAL OF CERTAIN LAWS. Mason's Minnesota Statutes of 1927, Sections 4 and 5, as amended by Laws 1941, Chapter 66, and Mason's Minnesota Statutes of 1927, Sections 6, 6-2, 6-3, 6-4, 6-5, and 6-6, and Mason's Supplement 1940, Section 6-1, are hereby repealed, but such repeal shall not affect any case in which the consent of the state to the acquisition of property or the exercise of jurisdiction by the United States was given by or under any of said provisions and the acquisition of the property was completed before the taking effect of Laws 1943, Chapter 343, nor any case in which the consent of the state was given under Laws 1941, Chapter 66, before the taking effect of Laws 1943, Chapter 343.

[1943 c. 343 s. 8]

1.12 FEDERAL FLOWAGE EASEMENTS OVER HIGHWAYS. When so requested by the commissioner of highways the governor, in behalf of the state, may, from time to time, grant, bargain, sell, and convey to the United States of America any easement for flowage in and upon any easement or fee owned by the State of Minnesota for trunk highway right of way purposes when the same shall be required by the United States in aid of any public improvement.

[1937 c. 124 s. 1] (6-7)

1.13 MONEYS RECEIVED CREDITED TO HIGHWAY FUND. Any payment so received for the granting of an easement shall be deposited in and become a part of the trunk highway fund.

[1937 c. 124 s. 2] (6-8)

1.14 STATE FLAG; PHOTOGRAPH AND DESCRIPTION OF DESIGN. There shall be kept and used at the capitol a state flag, conforming substantially to the design adopted by the commission created by Laws 1893, Chapter 16. A photograph of the design, together with the resolutions of the commission adopting and describing the design, shall be preserved in the office of the secretary of state.

[R. L. s. 1857] (4386)

1.15 BOUNDARY COMPACT BETWEEN MICHIGAN, WISCONSIN, AND MINNESOTA. The following compact is hereby ratified and approved:

A COMPACT

Entered into by and between the State of Michigan, the State of Minnesota and the State of Wisconsin, states signatory hereto.

The contracting states solemnly agree:

1. That the boundary between the State of Michigan and the State of Wisconsin in the center of Lake Michigan be and it hereby is finally fixed and established as the line marked A-B-C-D-E-F-G on the map, Exhibit A, annexed hereto, which line is more particularly described as follows:

Starting at Point A, a point equi-distant from either shore on the line which is the eastward continuation of the boundary line between Wisconsin and Illinois or latitude $42^{\circ} 29' 37''$ North;

Thence to Point B, a point equi-distant from either shore on the line drawn through the Port Washington Fog Signal and Storm Signal and the White Lake Storm Signal, on a true azimuth of $354^{\circ} 12' 00''$ a distance of 61.55 statute miles;

Thence to Point C, a point equi-distant from either shore on a line drawn through the Sheboygan Coast Guard Storm Signal, Fog Signal, Radio Beacon and Little Sable Point Light, on a true azimuth of $03^{\circ} 01' 15''$, a distance of 22.18 statute miles;

Thence to Point D, a point equi-distant from either shore on a line drawn through the Twin River Point Light and Fog Signal and Big Sable Fog and Light Signal, on a true azimuth of $10^{\circ} 04' 30''$, a distance of 30.33 statute miles;

Thence to Point E, a point equi-distant from either shore on a line from Bailey's Harbor Inland Light and Point Betsie Fog Signal, Radio Beacon, and Distance Finding Station, on a true azimuth of $17^{\circ} 09' 55''$, a distance of 54.20 statute miles;

Thence to Point F, a point equi-distant from either shore on a line drawn through the Pilot Island Light and Fog Signal and Sleeping Bear Point Light, on a true azimuth of $33^{\circ} 29' 10''$, a distance of 17.24 statute miles;

Thence to Point G, the point determined by the United States Supreme Court decree of March 12, 1936 which is a point 45,600 meters from the center of Rock Island Passage on a bearing of South 60° East, on the true azimuth of $40^{\circ} 34' 10''$, a distance of 15.66 statute miles. The latitude and longitude of the named control points is as follows:

Point A—Latitude $42^{\circ} 29' 37''$

Longitude $87^{\circ} 01' 15''$

Point B—Latitude $43^{\circ} 22' 50''$

Longitude $87^{\circ} 08' 50''$

Point C—Latitude $43^{\circ} 42' 00''$

Longitude $87^{\circ} 07' 20''$

Point D—Latitude $44^{\circ} 07' 55''$

Longitude $87^{\circ} 00' 45''$

Point E—Latitude $44^{\circ} 52' 50''$

Longitude $86^{\circ} 41' 10''$

Point F—Latitude $45^{\circ} 05' 20''$

Longitude $86^{\circ} 29' 30''$

Point G—Latitude $45^{\circ} 14' 10''$

Longitude $86^{\circ} 14' 55''$

2. That the western boundary of the State of Michigan in the waters of Lake Superior and the eastern boundary in the waters of Lake Superior of the states of Minnesota and Wisconsin be and it hereby is finally fixed and established as the line marked M-N on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point M, the point where the line through the middle of the main channel of the Montreal River enters Lake Superior,

Thence in a direct line to Point N, the point where a line drawn through the most easterly point of Pigeon Point and the most southerly point of Pine Point intersects the international boundary, on a true azimuth of $23^{\circ} 27' 24''$ and a distance of 108.86 statute miles.

The latitude and longitude of the named control points is:

Point M—Latitude $46^{\circ} 34' 05''$

Longitude $90^{\circ} 25' 05''$

Point N—Latitude $48^{\circ} 00' 50''$

Longitude $89^{\circ} 29' 00''$

3. That the boundary between the State of Minnesota and the State of Wisconsin in the center of Lake Superior be and it hereby is finally fixed and established as the line marked A-B-C-D on the map, Exhibit B, annexed hereto, which line is more particularly described as follows:

Starting at Point A which is the midpoint on the line M-N described in paragraph 2, *supra*;

Thence to Point B, the midpoint in a direct line between the mouth of Cross River, Minnesota and the Lighthouse on Outer Island in Wisconsin, on a true azimuth of 272° 17' 10", a distance of 33.15 statute miles;

Thence to Point C, the midpoint in a direct line between the Lighthouse on shore at Two Harbors, Minnesota and the light on the lakeward end of the government east pier at Port Wing, Wisconsin on a true azimuth of 235° 27' 40", a distance of 49.60 statute miles;

Thence to Point D, the midpoint in a direct line at right angles to the central axis of the Superior entry between the tops of the eastern ends of the pierheads at the lakeward ends of the United States government breakwaters at the superior entry of Duluth Superior Harbor, on a true azimuth of 239° 50' 20", a distance of 26.43 statute miles;

The latitude and longitude of the named control points is as follows:

Point A—Latitude	47° 17' 30"
Longitude	89° 57' 00"
Point B—Latitude	47° 18' 35"
Longitude	90° 39' 15"
Point C—Latitude	46° 54' 10"
Longitude	91° 31' 25"
Point D—Latitude	46° 42' 39.875"
Longitude	92° 00' 24.571"

4. All azimuths are measured clockwise from true north.

5. That this compact shall become operative immediately upon its ratification by any state as between it and the other state or states so ratifying. Ratification shall be made by act of the legislature of the ratifying state.

6. That immediately upon ratification of this compact by all three states, each state will appoint two members to a Joint Survey Commission to survey and mark the boundaries defined in this compact by establishing and perpetuating monuments at the reference points on shore by means of which the control points of said boundaries are located. The expense of marking the Lake Michigan Boundary shall be borne jointly by the states of Michigan and Wisconsin; the expense of marking the boundary line described in paragraph 2 above shall be borne equally by the states of Minnesota, Michigan and Wisconsin. The expense of marking the Lake Superior and Superior Bay boundary between Minnesota and Wisconsin shall be borne jointly by the states of Minnesota and Wisconsin.

[1947 c. 589 s. 1]

1.16 MAPS ON FILE. The maps referred to in the above compact as Exhibits A, B, and C are the original maps on file with the report of the Michigan-Minnesota-Wisconsin boundary conference in the office of the Secretary of State of Wisconsin, of which duplicate original maps are on file in the office of the Secretary of State of Minnesota.

[1947 c. 589 s. 2]

1.17 RATIFICATION BY GOVERNOR. The Governor of Minnesota is authorized and directed to witness the ratification of this compact by the State of Minnesota by executing the final draft thereof in his own name as Governor for and on behalf of the State of Minnesota and affixing the seal of the State of Minnesota.

[1947 c. 589 s. 3]